GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:1294
ANSWERED ON:24.07.2017
Equal Pay for Equal Work
Innocent Shri ;Manjhi Shri Hari;Tanwar Shri Kanwar Singh

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a)whether the Hon'ble Supreme Court has given a ruling that the theory of equal pay for equal work should be implemented and if so, the details thereof;
(b)whether the Hon'ble Court has also reiterated that there should be no disparity in the salary of regular and casual workers in a welfare State if both are doing same nature of work and if so, the details thereof;
(c)whether the Government is aware that the contract workers are being deprived from equal pay for equal work by their employers and if so, the details thereof;
(d)whether the Government has set up/proposes to set up a suitable redressal mechanism in this regard and if so, the details thereof; and
(e)the other measures taken/proposed to be taken by the Government for the welfare and social security of workers including casual/contract workers in the country?

Answer

MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI BANDARU DATTATREYA)
(a) & (b): In civil appeal number 213 of 2013 the issue for consideration of the Hon'ble Supreme Court was as under:
"whether temporarily engaged employees (daily-wage employees, ad- appointees, employees appointed on casual basis, contractual employees and the like), are entitled to minimum of the regular pay-scale, alongwith dearness allowance (as revised from time to time) on account of their performing the same duties, which are discharged by those engaged on regular basis, against sanctioned posts".
The Hon'ble Supreme Court held that:
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"There can be no doubt, that the principle of 'equal pay for equal work' would be applicable to all the concerned temporary employees, so as to vest in them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged Government employees, holding the same post"
(c) & (d): In so far as the contract labour is concerned, the Contract Labour (Regulation & Abolition) Act, 1970 and the rules framed thereunder regulate the employment of contract labour. Rule 25(2)(v)(a) of the Contract Labour (Regulation & Abolition) Central Rules, 1971 provides for parity as mentioned below:
"in cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work"
A well-established Central Industrial Relations Machinery (CIRM) is in place to enforce the Contract Labour (Regulation & Abolition) Act, 1970. The country-wide network of Dy. Chief Labour Commissioners (Central) and Regional Labour Commissioners (Central) under the control of Chief Labour Commissioner (Central) is mandated to settle the complaints/claims of the contract workers in terms of the provisions of the said Act and the Rules framed thereunder.
(e): In order to provide social security benefits to the workers in the organised sector, the Government has enacted the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and Employees' State Insurance Act, 1948.
For providing social security benefits to the workers in the unorganised sector, the Government has enacted the Unorganised Workers' Social Security Act, 2008 which stipulates formulation of suitable welfare schemes for unorganised workers on matters relating to: (i) life and disability cover, (ii) health and maternity benefits, (iii) old age protection and (iv) any other benefit as may be determined by the Central Government through the National Social Security Board. Various Schemes, formulated by the Government to provide social security cover to the unorganized workers as listed in Schedule I of the above Act.
Central Government has also launched the Atal Pension Yojana, Pradhan Mantri Jeevan Jyoti Bima Yojana and Pradhan Mantri Suraksha Bima Yojana for all citizens especially targeting unorganised workers to provide them comprehensive social security.
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